



# DEPARTMENT OF CONSERVATION

## OFFICE OF MINE RECLAMATION

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### NOTICE

**December 13, 2005**

**TO: ALL LOCAL AGENCIES, CONTRACTORS TO LOCAL AGENCIES,  
MINE OPERATORS, AND INTERESTED PARTIES**

**SUBJECT: EXPANDED SALES RESTRICTION OF MINED MATERIALS TO  
LOCAL AGENCIES AND CONTRACTORS TO LOCAL AGENCIES**

Effective January 1, 2006, changes to section 20676 of the California Public Contract Code (PCC) may impact how **local agencies and their contractors** purchase construction aggregate, sand and gravel, crushed stone, road base, fill materials, and any other mined materials used by state and local agencies for any purpose.

Current law prohibits mining operations subject to the California Surface Mining and Reclamation Act (SMARA) from selling mined material to state and local agencies unless the operation is included in the list of mines meeting certain SMARA reporting and compliance requirements. This list is known as the **AB 3098 List** (so named for the 1992 legislation creating the requirement). The list is maintained and updated quarterly by the Department of Conservation's Office of Mine Reclamation (OMR) and is available on the Internet at [http://www.consrv.ca.gov/omr/ab\\_3098\\_list/index.htm](http://www.consrv.ca.gov/omr/ab_3098_list/index.htm), or by calling OMR at (916) 323-9198.

**What has changed?** Recent legislation (Senate Bill 1110, Chapter 383, Statutes of 2005), effective January 1, 2006, defines what constitutes a local agency and expands the mined material selling prohibition to include contractors doing work on behalf of, or by contract with, any local agency. The selling prohibition also applies to contractors purchasing mined materials otherwise intended for use on a project for a local agency.

**Who is affected?** Local agencies, including any county, city (whether general law or chartered), city and county, town, school district, municipal corporation, district, board, political subdivision, or any board, commission, or agency thereof, or any local public agency; contractors to local agencies; and mine operators subject to SMARA.

**What should you do?** State and local agencies, and their contractors, should check the AB 3098 List before purchasing any mined materials to ensure that the mine selling the materials is legally authorized to sell to the agency (or contractor for local agency projects or contracts).

For more information on the mined materials selling prohibition and local agency contracting, please visit the OMR website at [http://www.consrv.ca.gov/omr/official\\_notices/index.htm](http://www.consrv.ca.gov/omr/official_notices/index.htm) and scroll down to "Questions and Answers: Notice to All Local Agencies Regarding New Restrictions on Purchases of Mined Materials", or call OMR at (916) 323-9198.

For more information on Senate Bill 1110, visit <http://www.leginfo.ca.gov/bilinfo.html>.